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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,327

04/14/2004

Satoru Tsukihara

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EXAMINER

RICE, ELISA M

ART UNIT

PAPER NUMBER

2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/824,327

Applicant(s)

TSUKIHARA, SATORU

Examiner

Elisa M. Rice

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/14/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 2, 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilman et. al. (US 6,208,770 B1), Masaru (JP 2001-054043) Fuchimukai et al. (US 6,873,357 B2), and Matsuyama (JP 405162356 A).

Regarding claim 1, Gilman discloses an apparatus able to process data, the apparatus comprising:

a compression unit that compresses("image processing functions can also be performed, such as image sharpening and compression.", Gilman, column 4, line 33) image data representing images having different shapes into thumbnail image data for display and printing of thumbnail images (Gilman, Figure 5; "A 'preview picture screen' 300 (shown in FIG. 5) is displayed on the display screen 52 showing a two-dimensional array of thumbnail images 302 obtained from the compact disc 19. The thumbnail images 302 preferably have a lower resolution than the full size images stored on computer disc 18", Gilman, column 5, line 20);

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a memory that stores the thumbnail image data ("By storing both the printing enabling software and the color adjusted digital image on the same medium, such as a magnetic disc, optical disc, or a flash memory card, users can conveniently make colored prints which are aesthetically pleasing", column 2, line 56);

and permits printing of thumbnail image data of the first image having a different visible angle from that of the thumbnail image of the second image (Figure 6).

Gilman does not teach:

- 1.) displaying all images with the same visible angle by including non-display portions on the images
- 2.) not printing a non-display portion

Gilman does not disclose displaying a thumbnail image of a first image having a first shape for displaying having a non-display portion and having the same visible angle as a thumbnail image corresponding to a second image having a second shape.

Masaru discloses displaying a thumbnail image of a first image having a first shape, a long-shaped image, which is displayed having a non-display portion, making it a wide-shaped image (Fig 8). The resulting image then has the same visible angle as a thumbnail image corresponding to of second image having a second shape, the wide shaped image.

It would have been obvious to one of ordinary skill in the art to modify Gilman's thumbnail display of different shaped images to a uniform display where the long-

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shaped images are converted to wide-shaped images as shown in the Masaru reference, "so that the image can be indicated on a display monitor at an easy-to-see orientation," (Fuchimukai et al., US 6,873,357 B2, column 1, line 20).

The combination of Gilman and Masaru does not teach not printing the non-display portion.

Matsuyama does teach not printing non-display portions ("on-print portions," abstract). It would have been obvious to one of ordinary skill in the art to modify the invention of the combination of Gilman and Masaru to not print the non-display portions to "improve the quality of print by reducing the possibility of visual recognition of non-print portions or non-display portions" as stated by Matsuyama in the abstract.

Regarding claim 2, the combination of Gilman, Masaru, and Matsuyama as rejected in claim 1 teaches the apparatus of claim 1, wherein the first image is a wide shaped image and the second image is a long shaped image, and the thumbnail image printed for the long shaped image is rotated by 90 degrees from the thumbnail image printed for the wide shaped image.

Regarding claim 3, the combination of Gilman, Masaru, and Matsuyama teaches the method performed by the apparatus as rejected in claim 1.

Regarding claim 4, the combination of Gilman, Masaru and Matsuyama as discussed in claim 1 teach the method of claim 3, further comprising: compressing data of the images into the thumbnail image data for both displaying and printing of the thumbnail images having the first shape and separate thumbnail image data for

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displaying and thumbnail image data for printing of thumbnail images having the second shape, and storing the image data, the thumbnail image data for displaying, and the thumbnail image data for printing such that the data are associated with one another ("These digital image signals are color adjusted and temporarily stored or passed directly to a CD recorder 16 by the operation of the workstation 14. The CD recorder 16 causes the color adjusted digital image data 22 to be recorded on a write-once compact disc 18, along with software 20 to enable image printing.", Gilman, column, line 39). The printing and display data are associated with one another in memory.

Regarding claim 5, the combination of Gilman, Masaru, and Matsuyama teaches the method of claim 3, wherein the first and second shaped images correspond to a wide shaped image and a long shaped image, respectively, (Gilman, Fig. 5) wide shaped thumbnail images are formed by compressing the wide shaped images, and long shaped thumbnail images are formed by compressing the long shaped images (Gilman, Fig. 5, "The thumbnail images 302 preferably have a lower resolution than the full size images stored on computer disc 18.", Gilman, column 5, line 23), long shaped thumbnail image data for displaying correspond to long shaped images having the same visible angle as the wide shaped thumbnail images (Gilman, Fig. 5, "The thumbnail images 302 preferably have a lower resolution than the full size images stored on computer disc 18", Gilman, column 5, line 23), and long shaped thumbnail image data for printing correspond to long shaped thumbnail images having a visible angle 90 degrees different from that of the wide thumbnail image (Figures 5 and 6 in the Gilman

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reference show that the car image illustrated by 302c in the display is subsequently printed in the format shown by 420c).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elisa M. Rice whose telephone number is (571)270-1580. The examiner can normally be reached on 8:00a.m.-5:30p.m. EST Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on (571)272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


BRIAN WERNER
SUPERVISORY PATENT EXAMINER


Elisa Rice
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2609

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